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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Ariana Burton,

7 Plaintiff,

8 v.

9 Spring Mountain Treatment Center,

10 Defendant.

Case No. 2:24-cv-00449-CDS-DJA

Report and Recommendation

11 On May 10, 2024, the Court denied Plaintiff's application to proceed *in forma pauperis*
12 and gave her until June 10, 2024, to file a renewed application. (ECF No. 6). When Plaintiff
13 missed that deadline, the Court entered an order to show cause requiring Plaintiff to explain why
14 the Court should not recommend dismissal of this action for Plaintiff's failure to prosecute it
15 under Federal Rule of Civil Procedure 41(b). (ECF No. 7). In that order, the Court explained that
16 "failure to comply with this order may result in a recommendation of dismissal to the district
17 judge." (*Id.*). To date, Plaintiff has not filed anything further in this action and appears to have
18 ceased prosecuting it. *See* Fed. R. Civ. P. 41(b).

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20 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
21 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.
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NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: October 17, 2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE